



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: WEIDHAUS ET AL 1

SERIAL NO.: 09/677,347 EXAMINER: A. DOROSHENK

FILED: OCTOBER 2, 2000 GROUP: 1764

TITLE: RADIATION-HEATED FLUIDIZED-BED REACTOR

RESPONSE TO RESTRICTION REQUIREMENT

MAIL STOP: FEE AMENDMENT
P.O. BOX 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action dated April 13, 2004, with the period for response being extended one (1) month, Applicant respectfully responds as follows:

The Patent Examiner has required a restriction to one of the following two inventions:

Group I: Claims 1-8, drawn to a fluidizing apparatus, classified in class 422 subclass 139;

Group II: Claims 9 and 10, drawn to a process for
producing silicon, classified in class
423, subclass 324.

ELECTION:

The Applicant respectfully selects with traverse Group I,
namely Claims 1-8 for further prosecution.

It is believed that the present invention is directed to a unitary inventive concept, namely, a radiation-heated fluidized-bed reactor and a process for producing high-purity polycrystalline silicon. It is believed that any search for the group embodied in claims 1-8 would necessarily include a search for the group embodied in claims 9 and 10. Thus, a simultaneous search for all of the groups is believed not to constitute an unreasonable search for the Patent Examiner. In addition, it is believed that the objectives of streamlined examination and compact prosecution would be promoted if a search were conducted simultaneously for all of the groups. Also, the necessity of filing multiple patent applications for the same invention does not serve to promote the public interest. This is because of the extra expense that is involved, in filing fees and examination

costs, as well as the burden upon the public due to the necessity of searching through a multiplicity of patent files in order to find the complete range of subject matter claimed in several different patents that could otherwise be found in one issued patent only.

Applicant reserves the right to file a divisional patent application for the non-elected invention.

For all these reasons, it is respectfully requested that the Requirement for Restriction under 35 U.S.C. §121 be withdrawn. An action on the merits of all the claims is respectfully requested.

Respectfully submitted,

Dieter WEIDHAUS ET AL



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Enclosure: Copy of Petition for One Month Extension of Time

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on May 26, 2004.



Maria Guastella